

From: Contact form at Belmont MA <vtsdmailer@vt-s.net>

Sent: Monday, January 8, 2018 10:29 AM

To: Yogurtian, Ara

Subject: [Belmont MA] Proposed Dunkin Donuts at Brighton/Pleasant Street (Sent by Julia Weeks, julia.hinman.weeks@gmail.com)

Hello ayogurtian,

Julia Weeks (julia.hinman.weeks@gmail.com) has sent you a message via your contact form (<http://www.belmont-ma.gov/users/ayogurtian/contact>) at Belmont

Contact Ara Yogurtian | Belmont MA

www.belmont-ma.gov

This question is for testing whether or not you are a human visitor and to prevent automated spam submissions.

MA.

If you don't want to receive such e-mails, you can change your settings at <http://www.belmont-ma.gov/user/296/edit>.

Message:

I wish to give my support to abutters who oppose this use of the commercial property located at the corner of Brighton and Pleasant Streets. This is already a difficult traffic junction, especially at morning commuting hours when a Dunkin Donuts franchise is busiest. The additional noise, traffic, and litter is a high price for the neighborhood to pay in return for the tax revenue earned for the town. I hope another solution for commercial development of this site can be found. Thank you for your consideration of this matter.

19 Scott Road
Belmont, MA 02478
January 7, 2018

To: Belmont Zoning Board of Appeals
Re: ZBA 17-30 (344 Pleasant St., Fast Food Restaurant)

Dear ZBA board members:

As close neighbors to 344 Pleasant Street, we would like to voice our strong opposition to granting the special permit. The LB III district is unique from many of our other business districts, in that every single business in this district is directly adjacent to one or more residential properties. Therefore, the impact of an LB III business on the abutters is considerable. This is far different from the center of town, or other business districts in Belmont like South Pleasant Street. Any decision made in this case will have permanent impact on all residential abutters and close neighbors in the LB III district.

This appeal is about allowing a fast food restaurant into this district. The official notice we received describes it as: "a Special Permit ... to Operate a Fast Food Restaurant at 344 Pleasant Street". Historically, and for good reason, the town has a basic policy of not allowing fast food restaurants. We recognize that many in this region have a fondness for Dunkin Donuts, but it is a fast food restaurant.

Here is what fast food will mean to our neighborhood: Lots of garbage, ever-increasing demands by the owners to increase operating hours, pushing signage and lighting provisions to their limits (or beyond), and the eventual (distressing) prospect of drive-through service. Once we allow one fast food restaurant, the precedent is established for Burger King, or McDonalds, or whatever else would make the most profit for the commercial landlords.

We are greatly concerned that a permit, including any limits written directly into a permit, will NOT protect the neighborhood. A more aggressive commercial landlord will simply ignore or gradually "wear away" at on-going restrictions, once the occupancy permit is issued. Our personal experience is that the town does very little enforcement of on-going rules written directly into a permit, beyond occasionally sending a polite letter that is promptly ignored. We are very lucky to have some great neighbors in the businesses adjacent to our property (the bank and dental office), but we have had other direct experiences with the owner of LB III commercial property that were far less comforting and have persisted for years. Our experience is on-going enforcement is not going to happen, and even if it did, the fines in the bylaws aren't much more than a few dozen donuts.

The garbage and operating hours are of particular concern in this case. Since fast food, particularly Dunkin Donuts, will make a large percentage of profit (and traffic) in the early morning hours, there will be increasing pressure to open as early as possible, including Saturdays and Sundays. Even if operating hours are initially restricted, we would fully expect subsequent appeals based on "urgent business needs", if the owners don't get what they want on the first round.

Early morning business means REALLY early morning daily garbage pickup. We are talking about 4:00 to 4:30 am, which is not an exaggeration. I have been woken up many times (particularly in the summer with windows open) as the dumpsters were emptied on other properties in our district at these times. These dumpster trucks have a forklift-like apparatus, and make plenty of noise trying (and trying again) to position the forklift correctly, lift up the dumpster over the truck, dump the contents by shaking the dumpster above the truck, and then unceremoniously drop the dumpster a couple feet off the ground, with a large bang. Then there is the beep-beep-beep as the truck backs up, and of course they need their headlights glaring since it is before dawn. And they go from one property to the next, repeating the same cycle for every dumpster being serviced.

Now imagine this happening in your backyard every single morning. The dumpster will undoubtedly be in the back or the side, and the parking and driving will be in back. This is why the abutting neighbors are so upset. Fast food containers, coffee cups, napkins and (previously edible) garbage also mean lots of litter, regardless of how diligent the staff might be.

These dumpster and garbage problems "go with the territory" with a fast food restaurant. We are opposed to any precedent of allowing a fast food restaurant in the LB III district.

We think there are also legitimate traffic considerations. The "traffic study" presented by the property owner's consultant simply quoted industry figures for gas stations, and pretended these conditions already existed on that property. As far as we could tell from the questioning at the Planning Board meeting, they made no actual study of the current conditions. They didn't even have any facts or figures for the Sunoco station across the street. Then they declared no additional impact beyond what a defunct gas station theoretically was already adding to our traffic.

As everyone knows, traffic has increased substantially since the time that gas station (which was mostly a repair shop) went out of business, and we find it difficult to believe that traffic patterns during rush hour for a fast food restaurant will be the same as a theoretical gas station. Yes, we can't do much about the current traffic, but we can oppose a business that is going to cause lots of problematic traffic maneuvers at a busy intersection during rush hours.

The comparison with the theoretical gas station is also not valid. There is no need to stop and fill up your car every time you pass by a gas station. But there will be many people at peak morning hours who will stop every morning to buy a cup of coffee before getting onto the Route 2 highway a few hundred yards away. And the #78 bus isn't going to meet the needs of all the employees, another fiction in the parking and traffic "study", so we expect and dread more parking on our side streets (including our street).

The LB III district is a great place for office buildings of various types, car repair shops, rug stores, etc. These are businesses that are open during normal business hours, with limited or no weekend hours, and don't generate a lot of trash and traffic. An upscale restaurant might also be attractive. It might be a good place for a townhouse, since commercial properties pay exactly the same tax rate as residential properties. We also were intrigued by the boutique hotel proposal, but were strongly opposed to the liquor store and are now opposed to a fast food restaurant. Even another gas station would be preferable to a fast food restaurant.

Please think about our neighbors who will be directly affected by the current proposal. We won't be as directly affected at our house for this specific property, but we stand with the abutting neighbors.

Thanks for consideration of our request to deny the permit, and be assured that other neighbors surrounding the LB III business district are also opposed.

Sincerely,

John and Suzanne Robotham
19 Scott Road, Belmont

Yogurtian, Ara

From: Russell Mann <wrmann@gmail.com>
Sent: Friday, February 02, 2018 11:03 PM
To: Yogurtian, Ara
Subject: 344 Pleasant Street

Dear Mr. Yogurtian and Members of the ZBA:

I reside at 308 Brighton Street and am a direct abutter to 344 Pleasant St. These comments concern the application that the owners of 344 Pleasant St have made to the ZBA for a Special Permit to operate a Dunkin Donuts restaurant at the location, which will be revisited at the February 5 meeting.

I am opposed to the issuing of this Special Permit and believe the ZBA should again deny the applicant. The most critical facts have not significantly changed since the time that the earlier application was turned down.

- A little history about the site: 344 Pleasant Street, up to the summer of 2011, was primarily a gasoline station, with two service bays as well. In December 2010, it became a remediation site under the administration of the Massachusetts Department of Environmental Protection due to a major spill, which a few months later resulted in the gasoline tanks being removed - *it has not been a gasoline station since 2011, only an automobile service station (if at all - it has been mostly unused since 2014)*. Active remediation systems continue to run on the property and extending to my property and that of my neighbor to prevent vapor intrusion from VOCs that resulted from the spill. There is no final determination of when that process will be finished.

- When the site was sold to the applicant in 2014, the site was deed restricted to specifically not allow further use as a gas station for a period of at least 30 years (until 2044). Thus the grandfathered usage of this site - not in use for nearly 7 years - has for all intents and purposes been legally revoked. This is relevant to the traffic study, where the proposed usage is compared in its site trip intensity to an active 8-pump gasoline station. Do we allow comparisons to the most intense historical usage in other cases? Even when that usage is no longer legally allowed at the site? That doesn't make sense.

- The applicant specifically cites the new traffic study in their revised application as reason to reconsider. However, the new traffic study is trying to impress us with its page count, when it suffers from the same or similar flaws as the previous traffic study, specifically:

- Comparing usage to an 8-pump gas station (ITE Land Use Code 945) instead of a 2-bay automobile service station (ITE Land Use Code 942), which is the usage of the property for the past 7 years - and moreover the only allowed automobile-related usage allowed by the deed going forward. This flawed premise undermines the entire thesis of the traffic study - as the actual usage of the site as a service station only results in only single-digit trips on and off in peak AM hour.

- Secondly, the study suggests - presumably based on a number in a book, unaltered by any specific consideration of the facts at hand - that 75% of the Dunkin Donuts trips will be "pass-by" trips which do not add any net traffic. I have two observations about this assumption:

- The presence of nearby Dunkin Donuts is cited as a support for this - however, the primary peak hour is AM rush, and the primary traffic flow at that time is from the west and northwest (especially Rte 2) to east and southeast (toward Cambridge and Boston). Two out of three of the Dunkin Donuts -- inside Alewife T and on the north side of Concord St in Cambridge in between traffic circles -- are not credible alternatives due to limited parking or access, without circling back.

- We challenge this assumption as arbitrary, and nothing more than a convenient magic trick for the applicant. Specifically, their prior study suggested well over 100 peak am hour trips; now it says it will be 24, primarily due to the 75% pass-by reduction. We note that another recent coffee shop proposed that went before town (Cushing Village - Oct 2012 traffic study on town website) also had well over 100 peak hour trips and a pass-by assumption of 44%. This is simply a literally *incredible* assumption that should be seen exactly for what it is - since they were denied with an initial study showing 100+ peak hour trips, the applicant shopped around for a "better" traffic study in an attempt to fool the ZBA and the public into buying a specious argument - that this usage results in no net new trips.

- Lastly, trips whether pass-by or not still result in trips on and off the lot. Nothing in the traffic study examines the potentially chaotic dynamics of vehicles queuing to get in and out, especially when

turning left into or out of the site. All neighbors who live near this intersection will tell you that traffic is commonly backed up both eastbound on Brighton and southbound on Pleasant all the way to the intersection - and I am happy to provide photographic evidence for that.

- This is an extremely busy multi-modal intersection - there are public bus stops and school bus stops fairly close by, generating pedestrian traffic, as well as families walking kids at Winn Brook Elementary. Traffic in this area is already at a level of service that greatly diminishes quality of life of Belmont residents and imperils public safety - not only pedestrian/bike safety but inhibiting safe passage of emergency responders. It is hard for me to see how the best interests of Belmont are served by *doubling down* on intensive use development at this intersection given these conditions.

- We note that the Planning Board approval of a general plan for buildings and parking and landscaping, etc., should not in any way sway the ZBA to accept any of the premises of this traffic study. The usage consideration was completely out of their purview, and though they agreed verbally that traffic is a big concern, it's a concern for specific usages and not others. I don't find fault with their viewpoint, but this is why I would argue that it should heighten the attention of the ZBA to this issue.

- In particular, it would be good to understand in greater generality what the approach of the ZBA (or any similar body vested with authority by the Town) is and should be to lengthy technical studies of this type, which are as a matter of fact, a form of paid advocacy on behalf of the applicants, utilizing resources and methods that are neither publicly available nor verifiable, and which have been generated at great expense, far beyond the means of abutters, and frankly, beyond what the Town itself would ever be willing to spend.

- Moving out of the scope of traffic, there are other concerns I would note about the application:

- The hours proposed - 6 am to 11 pm - are out of scope with a significantly residential area.

- As part of development of any current DEP remediation site, the DEP requires a "focused feasibility assessment" from the LSP to determine how to continue the remediation through the process of demolition, site prep and construction. In other words, a letter stipulating that the trailer will eventually only take up one parking space is hardly sufficient. It would be my preference that this is shared publicly prior to site work.

In summary, I should note that I am 100% behind development of this parcel and in Belmont in general that is sensible and appropriately balanced with the impact to abutters and other stakeholders - and I strongly believe that the Planning Board and ZBA are similarly minded.

However, not all usages are equal and a judgment on whether a Special Permit should be granted *for use* should, as has been done in the past, weigh positive and negative impacts of the proposed *usage* to Belmont residents relative to other potential uses of the site. It is simply not the same as a decision to allow or disallow development, and it should not matter whether a negative decision may impact a specific applicant's desire to move forward with development. In any case, I - and many other abutters - have told the applicant, that we would be happy to support the development as planned with a less intensive use.

From: Ellen & John <jpc01@aol.com>
Date: February 5, 2018 at 3:25:56 PM EST
To: ayogurtian@belmont-ma.gov
Subject: ZBA Case 17-30 - 344 Pleasant Street, Dunkin Donuts

Subject: ZBA Case 17-30 - 344 Pleasant Street, Dunkin Donuts

Dear members of the Zoning Board of Appeals,

I write to ask the Members of the Board to oppose the issuance of approval for Special Permit to operate fast food restaurant, Dunkin Donuts, at the corner of Pleasant St and Brighton Street.

I am a resident and homeowner in Scott Road, and have lived on Scott Road all 57 years of my life. Over the past several years, the biggest change we have seen in this little corner of Belmont has been the enormous increase in daily traffic. I understand that Pleasant Street is a main thoroughfare and have no wish to stop all business development in the commercial district at the intersection of Pleasant and Brighton. We all know that daily we see a tremendous tangle of traffic; why should we give the privilege to a business to add more traffic ?

The traffic situation is completely out of hand on Pleasant Street, with long queues of vehicles extending from the Pleasant Street/Mass Ave intersection in Arlington to Pleasant Street/Concord Avenue in Belmont. This situation has been exacerbated by the introduction of way finding apps that encourage drivers to exit the Rte 2 highway and zip through our residential streets to access both Pleasant Street and Brighton Street.

As you may know, I work at Town Hall - my commute, all of .7 miles, often takes 20 minutes to accomplish in my vehicle, often I wait several minutes to exit Scott Road. These lines of traffic would be the same "single lane" of 600 cars of traffic that would allow a left turn into Dunkin Donuts, crossing the traffic heading toward Rte 2. This queuing condition has been noted in the Traffic study as a failing/near failing intersection during peak hours of the day, however what wasn't noted is that this traffic used to exist only during the weekdays; not it exists on the weekend as well. I have read the traffic reports of the original case and the updated traffic submitted. I completely disagree with the fundamental premise put forth in each of the case applications: Patriot Donuts asserts that 75% of the cars visiting their fast food restaurant during a day will be cars that are just already "passing by". I completely disagree with this assertion and ask you, as the granters of requested EXCEPTIONS to our Zoning Bylaws, please question the "data" that presents this opinion. If 500 people are in support of a Dunkin Donuts at this location, one must question where those people are currently going to get their Dunkin Donuts now. Are they simply passers-by at those locations or do they currently make a special trip to obtain the products? I contend that they are making purposeful trips and see no evidence in the submission to

oppose this opinion. I ask that someone produce that hard data – by following the math in the traffic study, this number is the pivotal number from which all other conclusions are made. Our neighborhood deserves more regard than presumptions.

In the traffic report, page 23, says that Alternative 1 with a "restaurant", not fast food, will only be 3 car trips fewer than a Dunkin Donuts. Does this make sense when the narrative of the same report indicates as difference of 10?

No Employee Parking Included-

In addition, I note that the applicant indicates that all vehicles will be accommodated onsite in the parking lot. In fact, the applicant indicates that the employees will exclusively walk and take public transportation; their requirements for parking are not met on site. There is no reason that the neighborhood should accept additional all day parking for employees of the Dunkin Donuts.

Hours of Operation

The requested hours of operation at this site, adjacent to homes, for 6 AM to 11 PM, with "early morning deliveries". Please do not allow deliveries or collection of trash before 6 AM. We should have learned from the Wellington School, The Beech Street Center and others that neighbors deserve to expect reasonable hours to sleep and not be awakened before 6 AM.

Belmont has two processes in our Zoning By-law for a reason. Restaurants and Fast Food Restaurants are treated differently in our laws, we should certainly expect a higher threshold of evidence to prove that the "fast food" part of the business does not have adverse effect on the neighborhoods. Once we ignore it, we cannot go back.

Sincerely,

Ellen O'Brien Cushman
38 Scott Road
Belmont, MA 02478
617-484-4817
Jpc01@aol.com

Sent from my iPhone